

# EXHIBIT 10

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE CENTRAL DISTRICT OF ILLINOIS  
3

4 IN RE: HIGH FRUCTOSE CORN SYRUP )  
5 ANTITRUST LITIGATION )  
6 ) MDL No. 187  
7 ) Master File No. 95-1477  
8 THIS DOCUMENT RELATES TO: )  
9 ALL ACTIONS )  
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HEARING ON MOTIONS TO BAR EXPERT TESTIMONY  
AND MOTIONS FOR SUMMARY JUDGMENT

June 21, 2001  
Peoria, Illinois

BEFORE:

HONORABLE MICHAEL M. MIHM  
United States District Judge

Karen S. Hanna, C.S.R.  
U.S. District Court Reporter  
Central District of Illinois  
Proceedings recorded by mechanical stenography; transcript  
produced by computer

1 APPEARANCES:

2 ON BEHALF OF THE PLAINTIFFS:

3  
4 MICHAEL J. FREED, ESQ.  
5 BARAT McCLAIN, ESQ.  
6 Much, Shelist, Freed, Denenberg, Ament, Bell & Rubenstein  
200 N. LaSalle Street, Suite 2100  
Chicago, Illinois 60601-1095

7 ROBERT N. KAPLAN, ESQ.  
8 GREGORY ARENSON, ESQ.  
Kaplan, Kilsheimer & Fox  
805 Third Avenue  
9 New York, New York 10017

10 H. LADDIE MONTAGUE, JR., ESQ.  
11 CHARLES GOODWIN, ESQ.  
Berger & Montague  
1622 Locust Street  
12 Philadelphia, Pennsylvania 19103

13 STEPHEN R. NEUWIRTH, ESQ.  
14 ADAM WALSH, ESQ.  
Boies, Schiller & Flexner  
15 570 Lexington Avenue, 16th Floor  
16 New York, New York 10022  
17  
18  
19  
20  
21  
22  
23  
24  
25

ON BEHALF OF THE DEFENDANTS:

TERRENCE A. GRIMM, ESQ.  
JOSEPH A. SPIEGLER, ESQ.  
Winston & Strawn  
35 W. Wacker Drive  
Chicago, Illinois 60601

-- and --

CHARLES ROTH, ESQ.  
Kavanagh, Scully, Sudow, White & Frederick  
301 Southwest Adams, Suite 700  
Peoria, Illinois 61602  
(Appeared on Behalf of A.E. Staley Manufacturing Co.)

MARK W. RYAN, ESQ.  
GARY WINTERS, ESQ.  
Mayer, Brown & Platt  
1909 K Street N.W.  
Washington, D.C. 20006  
(Appeared on Behalf of Cargill, Inc.)

AUBREY DANIEL III, ESQ.  
STEVEN KUNEY, ESQ.  
KENNETH SMURZYNSKI, ESQ.  
JOHN SCHMIDTLEIN, ESQ.  
Williams & Connolly  
725 Twelfth Street, N.W.  
Washington, D.C. 20005  
-- and --

DAVID B. MUELLER, ESQ.  
Cassidy & Mueller  
416 Main Street, Suite 323  
Peoria, Illinois 61602  
(Appeared on Behalf of Archer Daniels Midland Company)

EDWARD F. MALONE, ESQ.  
DONALD HARRIS, ESQ.  
Jenner & Block  
One IBM Plaza  
330 N. Wabash  
Chicago, Illinois 60611  
(Appeared on Behalf of American Maize Products Co.)

1 happen. That's exactly what Mr. Doxsie said in response to  
2 Ms. McClain at page 85 of his deposition. That at least was  
3 something that Coke was interested in and somewhat concerned  
4 about. So I don't think it makes a whole lot of difference.  
5 It's follow the leader anyway if somebody offered it.

6 And my last point is, Your Honor, to the extent  
7 counsel felt they made any headway for plaintiffs on the list  
8 price argument, this is not a list price case. No one sold  
9 at list price to pay their bar bills. I end on a point of  
10 levity. It's a negotiated transaction price case and the  
11 prices are all over the lot and the Court should grant  
12 summary judgment. Thank you, Your Honor.

13 THE COURT: Thank you. All right. Well, it's been  
14 quite a day. First of all, in regard to the arguments that I  
15 heard this morning, I am prepared to rule right now as to  
16 three of the four issues. I'm going to deny the motions in  
17 limine regarding Rausser, Leitzinger and Topel. I am  
18 reserving on James. As soon as I make a decision on that, I  
19 will let you know.

20 As I said, I have a lot of work yet to do before I  
21 can make a decision on this. I think it's clear from my  
22 questions that I have some concerns to begin with about the  
23 standard that I am to apply in conducting this analysis for  
24 summary judgment, so my initial focus is going to have to be  
25 on clarifying that issue in my mind. Then, beyond that, of



1 course considering all of the arguments that you have made  
2 here.

3 I want to thank you for the high quality of your  
4 presentation today. I told my interns earlier today that,  
5 you know, everyone involved in a case like this has really  
6 significant obligations and responsibilities. As lawyers,  
7 you to your clients. From where I'm sitting, to everybody.  
8 So it's very serious business. At the same time, I woke up  
9 early this morning because I couldn't wait to get here  
10 because I knew this was going to be a really interesting day  
11 listening to good lawyers and you didn't disappoint me.

12 So thank you very much. When I am in a position to  
13 indicate my ruling on summary judgment, I will do that. I  
14 can tell you now, to the extent to which I deny the motion, I  
15 will probably not write the great American novel in  
16 explaining that. I will try to identify what I believe the  
17 disputes of material fact are, whatever would make it  
18 inappropriate. Obviously if I were to determine that I am  
19 going to grant summary judgment, then of course I will have  
20 to write a very detailed written opinion, but I simply have  
21 not made a decision on this issue yet. So have a safe trip  
22 home.

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\*\*\* HEARING CONCLUDED \*\*\*

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